

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jessee M. James, #346605,)	C/A No.: 1:13-211-JFA-SVH
)	
Plaintiff,)	
)	ORDER DISMISSING APPEAL OF
v.)	MAGISTRATE JUDGE’S RULING
)	
Sheriff Barry Faile; Mrs. Deborah Horne,)	
)	
Defendants.)	
)	

This matter is before the court on plaintiff’s appeal of the August 18, 2014 docket text order of the Magistrate Judge assigned to this matter.¹ In that order (ECF No. 94), the Magistrate Judge granted in part the plaintiff’s request for a *third* extension to respond to the defendants’ motion for summary judgment which was filed on April 1, 2014. An extension of 30 days was permitted rather than the 6-month extension requested by the plaintiff.

In his appeal of the Magistrate Judge’s decision, the plaintiff contends that due to all the prison lock downs and lack of access to the law library, that he has been unable to meet the September 17, 2014 deadline set by the Magistrate Judge. This court notes that the Magistrate Judge has generously allowed plaintiff numerous extensions to file a response and he has failed to do so. The plaintiff has proceeded in a dilatory fashion which is unfair to the defendants and to the court who are having to expend valuable time and resources on a case in which the plaintiff is unresponsive.

¹ Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local rule 73.02(B)(2)(c) and (e), D.S.C, this case was automatically referred to the Magistrate Judge for all pretrial proceedings.

The court has reviewed the rulings and finds no reason to disturb the Magistrate Judge's decision to deny an extension to the plaintiff. Accordingly, the plaintiff's appeal to the undersigned district judge is dismissed.

This matter remains pending before the Magistrate Judge.

IT IS SO ORDERED.

October 21, 2014
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge